

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member(A)

Case No. – OA 421 of 2023

Sunil Mondal - VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. S. Bhattacharjee, Ld. Advocate.
<u>02</u> 28.11.2023	For the State Respondents	: Mr. M.N. Roy, Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

This applicant has prayed for setting aside the impugned order dated 29.03.2023 passed by the Joint Secretary, Public Works Department, rejecting the application for compassionate employment primarily on the ground of submitting of such application after more than two years from the date of death of the deceased employee.

Mr. S. Bhattacharjee, learned counsel for the applicant submits that such reason of rejection is factually incorrect and such rejection order is not only arbitrarily but is un-fair to the applicant.

After examining the relevant records in this application, it is clear that para 7 of the reasoned order is misleading. This para notes that the deceased employee died on 01.11.2014 and the application for compassionate employment was furnished by this applicant on 21.03.2017, which is more than two years after the death of the deceased employee. Attention has been drawn to and is being relied on a correspondence made by Executive Engineer, Murshidabad Highway Division No. I to the Superintending Engineer, Central Highway Circle. This letter dated 20.02.2015 records that an application in original was

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received from the applicant and is being forwarded for taking necessary action. From this correspondence it is evidently clear that on 20.02.2015, the respondent had recorded that such an application was furnished and was being processed. Therefore, the contention of the Joint Secretary for submitting an application after more than two years is neither factually correct nor it is a valid reason for rejection of such application. It appears that the Joint Secretary while considering the application ignored the correspondence dated 20.02.2015 and also an office order passed by the Superintending Engineer, Central Highway Circle on 09.03.2015 by which a Three (3) Enquiry Committee was formed.

In view of above observation, the impugned order passed by the Joint Secretary, Public Works Department on 29.03.2023 is not enforceable under any law and liable to be quashed. Hence it is quashed and set aside with a direction to the respondent No. 2, the Joint Secretary, Public Works Department (Works Branch) to consider the application for compassionate employment received and processed in 2015 within a period of three (3) months from the date of communication of this order and communicate the same to the applicant within a period of two (2) weeks from the passing the reasoned order.

Accordingly, the application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S